

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

THE ESTATE OF ROGER D. OWENSBY	:	CASE NO. C-1-01-769
	:	Judge Spiegel
Plaintiff	:	
-vs-	:	
CITY OF CINCINNATI, et al.,	:	<u>DEFENDANT CITY OF CINCINNATI'S MOTION FOR EXTENSION OF TIME TO FILE MEMORANDUM IN OPPOSITION TO MOTION FOR SUMMARY JUDGMENT</u>
Defendants.	:	
	:	
	:	

Now come Defendants City of Cincinnati and Chief Streicher, Officer Brian Brazile, Darrin Sellers (collectively referred to as the "City") and hereby move the Court for an extension of time in which to file a Memorandum in Opposition to Motion for Summary Judgment. The reasons are set forth below in the Memorandum in Support.

MEMORANDUM IN SUPPORT

F.O.P. Attorney, Don Hardin, has asked Plaintiff's counsel for a one week extension in which to file a Memorandum in Opposition to Motion for Summary Judgment due to the fact that he has been indisposed due to a death in his family. The City and Mr. Hardin intend to file a Joint Memorandum in Opposition to Motion for Summary Judgment. Although the City could prepare and file its portion of the Memorandum in Opposition by the due date of February 26, 2004, it would make no sense to do so without Mr. Hardin's portion of the Memorandum

being complete. The City's counsel has requested an extension from Plaintiff's counsel for this same reason but Plaintiff's counsel, Paul Martins, has refused, stating that he has heard no reason from the City for needing an extension.

Therefore, the City respectfully requests this Court for a one week extension in which to file a Joint Memorandum in Opposition to Motion for Summary Judgment. The due date for the Joint Memorandum in Opposition to Motion for Summary Judgment would then be: March 4, 2004.

Respectfully submitted,

JULIA L. McNEIL (0043535)
City Solicitor

s: *Gerí Hernandez Geiler*
GERI HERNANDEZ GEILER (0042081)
Room 214 City Hall
801 Plum Street
Cincinnati, Ohio 45202
Ph. (513) 352-3338
Fax (513) 352-3750
email: geri.Geiler@cincinnati-oh.gov

s: *Neil F. Freund*
NEIL F. FREUND (0012183)
One Dayton Centre
1 South Main St.
Suite 1800
Dayton, Ohio 45402-2017
Ph. (937) 222-2424
Fax (937) 2225369
email: nfreund@ffalaw.com

Trial Attorneys for Defendant City of
Cincinnati

**CERTIFICATE OF SERVICE
BY ELECTRONIC FILING**

I hereby certify that on February 20, 2004, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorneys of record listed below.

s: Geri Hernandez Geiler
GERI HERNANDEZ GEILER
Atty. Reg. No. 0042081
Sr. Assistant City Solicitor
Room 214 City Hall
801 Plum Street
Cincinnati, Ohio 45202
Ph.: (513) 352-3338
Fax: (513) 352-1515
Email: geri.geiler@cincinnati-oh.gov

Certificate of Service:

John J. Helbling
3672 Springdale Road
Cincinnati, Ohio 45251

Mark T. Tillar
240 Clark Road
Cincinnati, Ohio 45215

Paul B. Martins
Fourth & Walnut Centre
Suite 1900
105 East Fourth St.
Cincinnati, Ohio 45202

Wilson G. Weisenfelder
900 Fourth & Vine Tower
Cincinnati, Ohio 45202

Dale A. Stalf
1320 PNC Center
201 East Fifth Street
Cincinnati, Ohio 45202

Donald E. Hardin
915 Cincinnati Club Building
30 Garfield Place
Cincinnati, Ohio 45202

Ravert J. Clark
114 East 8th Street
Suite 400
Cincinnati, Ohio 45202

s:\Geiler\Owensby\moextendtimemsj